

Article - Education

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§5–226.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Struggling learner” means a kindergarten through grade 3 student who, on the Maryland Comprehensive Assessment Program (MCAP) or on any successor assessment, in the prior fiscal year, scores the equivalent of a 1, 2, or 3 in English language arts or reading on the PARCC assessment.

(ii) The number of grade 3 struggling learners shall be used as a proxy for the number of struggling learners in each of kindergarten, grade 1, and grade 2.

(3) (i) “Transitional supplemental instruction” means additional academic support for struggling learners using evidence-based programs and strategies that meet the expectations of strong or moderate evidence as defined in the federal Every Student Succeeds Act.

(ii) “Transitional supplemental instruction” includes:

1. One-on-one and small-group tutoring of not more than four students with a certified teacher, a teaching assistant, or any other trained professional;

2. Cross-age peer tutoring; and

3. Screening, identifying, and addressing literacy deficits.

(4) “Transitional supplemental instruction per pupil amount” means:

(i) For fiscal year 2022, \$476;

(ii) For fiscal year 2023, \$665;

(iii) For fiscal year 2024, \$680;

(iv) For fiscal year 2025, \$522;

(v) For fiscal year 2026, \$356; and

(vi) For fiscal year 2027 and each fiscal year thereafter, \$0.

(b) (1) Each school shall use the funds provided under this section to provide transitional supplemental instruction to struggling learners in kindergarten through grade 3.

(2) (i) Subject to subparagraph (ii) of this paragraph, priority in providing transitional supplemental instruction shall be given to literacy.

(ii) A school district or school may use the funds for additional mathematics instruction if it is determined that this is a priority for the students in the district or school.

(3) A school district or school is encouraged to, on a pilot basis, experiment with new evidence-based means of screening, identifying, and addressing literacy deficits.

(4) An individual who provides transitional supplemental instruction may be employed by the school district.

(5) (i) Each student who receives transitional supplemental instruction shall receive a pre- and post-standardized assessment to evaluate the student's progress before and after receiving transitional supplemental instruction under this section.

(ii) The requirement that a student receive a pre-standardized assessment for literacy in accordance with subparagraph (i) of this paragraph may be satisfied by conducting the reading screening established in § 4-136 of this article.

(c) (1) Each fiscal year, the State shall distribute the State share for transitional supplemental instruction to each county board.

(2) Each fiscal year, the county board shall distribute to each school the minimum school funding amount for transitional supplemental instruction calculated under § 5-234 of this subtitle.

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